

Applicant's arguments filed 7/29/09 have been fully considered but they are not persuasive.

35 USC 103:

Claims 32-40 and 42-48 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Leture et al. '743 or Jiang 167 B2.

*Note: All other references have been withdrawn.*

Response:

All rejections under 35 USC 112 have been withdrawn as a result of applicants' amendments to their claims and that is appreciated as it simplifies issues remaining. Nevertheless, Leture and Jiang remain. Both do not directly teach the addition of an anionic hydrophilic polymer and calcium silicate hydrate accelerant with surface area of at least 200 sq m/g. Yet, Leture does teach fine grinding which would have been expected to achieve a grain size within applicants' claimed specific surface area for the calcium silicate hydrate accelerator.

Leture and Jiang do not explicitly teach the addition of an anionic hydrophilic group to the polymer yet the use of latex film forming polymers are conventional additives to cementitious materials (MPEP 2144). Jiang even teaches that polymer latexes are known rheology modifying agents for cementitious materials and thus the presence of at least a film forming polymer latex which Jiang says functions to improve flexibility would have been obvious to one of ordinary skill in the art. (see col.2, lines 30-37, in particular line 34 which teaches polymer latexes are conventional admixture additives to cementitious materials).

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Marcantoni whose telephone number is 571-272-1373. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Paul Marcantoni/  
Primary Examiner, Art Unit 1793